

REMARKS

Upon entry of the amendments, claims 1-8 will be pending in the application. Applicants provide the following comments to the recent Office Action.

Amendment

Upon careful consideration, Applicants have amended claim 1 to set forth specific toner percentages to avoid relative terminology. These limitations previously have been either explicitly stated in the claims (the 0.5 to 1.5% range) or implied (the 0.75 to 5.25% range) based on the interpretation of the claims by the Examiner. Applicants believe that these amendments should be entered because no further searching or consideration would be required.

Claim Rejections – 35 U.S.C. § 112

Claims 1-5 are rejected as indefinite. Applicants respectfully assert that this rejection should be withdrawn because of the claim amendments. Claim 1 sets forth definite ranges for both the initial toner and the replenishment toner.

Claim Rejections – 35 U.S.C. § 102

Claims 1-6 and 8 are rejected as anticipated by Mikuriya (US 5,849,453).

Applicants believe that this rejection should be withdrawn. The referenced Example 1 of Mikuriya fails to disclose the features of independent claim 1. In particular, the claimed percentage of toner particles in the initial and replenishment toner that are 5.04 μm or smaller is not set forth in cited Example 1. As acknowledged in the

Office Action, percentages such as 13.0 and 20.1 are disclosed. These percentages are outside the ranges set forth in claim 1.

Applicants note Table 4 of Mikuriya (which pertains to Example 2 and is similar to Example 1 conditions except for the addition of hydrophobic dry process silica) discloses 2.6 % of the toner will be particles that are 5.04 μm or smaller. However, Mikuriya fails to disclose a replenishment toner having 1.5 to 3.5 times the percentage of 5.04 μm or smaller particles found in an initial toner, because Mikuriya uses the same toner as an initial toner and as a replenishment toner. Reference is made to column 17, lines 54 to 56. Therefore, Applicants believe that the percentages set forth in Table 4 pertain to an initial and a replenishment toner and disclose a 1:1 ratio.

Further, Applicants believe that Table 2 of Mikuriya refers to the particle size distribution of a collected toner. Reference is made to column 8, lines 63-65. According to Applicants, if the mixture (the toner in the supply hopper) of the collected toner and the replenishment toner in Mikuriya is considered to correspond to the replenishment toner of the present invention, then such a mixture would not have the claimed ranges of toner particles and the relationship set forth in claim 1. Applicants believe that Mikuriya fails to set forth all the features of the claimed invention.

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Claims 1-8 are rejected as being anticipated by Sano (US 5,863,694). Applicants respectfully request that this rejection be withdrawn.

According to the present invention, the content of toner particles with diameters 5.04 μm or smaller in a replenishment toner is determined relative to the content of toner particles with diameters 5.04 μm or smaller in an initial toner.

On the other hand, Sano discloses only one type of toner. Therefore, Applicants believe that a person skilled in the art would interpret the toner in Sano as being both the initial and replenishment toner because it is conventional to use the same type of toner as an initial toner and conventional toner. Sano fails to provide any disclosure that would change this conventional understanding and approach. The cited prior art patent does not inherently or explicitly disclose the relationship between the initial toner and the replenishment toner. Therefore, the anticipation rejection should be withdrawn.

Double Patenting

Applicants note that the Office Action details a provisional double patenting rejection, which need not be addressed at this time.


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Applicants respectfully assert that the application should be allowed. If any additional fees are due in connection with the filing of this response, such as fees under 37 C.F.R. §§ 1.16 or 1.17, please charge the fees to Deposit Account No. 02-4300. Any overpayment can be credited to Deposit Account No. 02-4300.

Respectfully submitted,

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